

**LAKESHORE LAW CENTER**  
**Jeffrey Wilens, Esq. (State Bar No. 120371)**  
**18340 Yorba Linda Blvd., Suite 107-610**  
**Yorba Linda, CA 92886**  
**714-854-7205**  
**714-854-7206 (fax)**  
**[jeff@lakeshorelaw.org](mailto:jeff@lakeshorelaw.org)**

**THE SPENCER LAW FIRM**  
**Jeffrey P. Spencer, Esq. (State Bar No. 182440)**  
**903 Calle Amanecer, Suite 220**  
**San Clemente, CA 92673**  
**949-240-8595**  
**949-240-8515 (fax)**  
**[jps@spencerlaw.net](mailto:jps@spencerlaw.net)**

**Attorneys for Plaintiffs**

**UNITED STATES DISTRICT COURT,**  
**NORTHERN DISTRICT OF CALIFORNIA,**  
**OAKLAND DIVISION**

SEAN L. GILBERT, et. al.	) Case No. CV-13-01171-JSW
	) Complaint filed February 11, 2013
	) Trial Date:
	) Pre-Trial Date:
Plaintiffs,	) Discovery Cut-Off:
	)
v.	) <b><u>Class Action</u></b>
	)
BANK OF AMERICA, N.A.,	) <b>STIPULATION AND PROPOSED</b>
et. al.,	) <b>ORDER TO CONTINUE DEADLINE</b>
	) <b>FOR PARTIES' BRIEFS ON</b>
	) <b>MOTION TO COMPEL</b>
	) <b>ARBITRATION</b>
	) Hearing Date:
	) Department 5
Defendants.	) Hon. Jeffrey S. White, District Judge

**TO EACH PARTY AND THEIR ATTORNEY OF RECORD:**

1 Plaintiffs Dinah Pham, Paula Bernal and Mary F. Bailey (collectively "Plaintiffs")  
2 on the one hand, and Defendants Rare Moon Media, LLC, Jeremy Shaffer, Brad Levene,  
3 Lindsey Coker, and Josh Mitchem on the other hand, by and through their respective  
4 counsel of record, hereby respectfully stipulate to change the deadlines for the  
5 Opposition and Reply Papers concerning pending Motion to Compel Arbitration (Doc.  
6 136.)  
7

8 The Motion was filed on November 12, 2014 with a hearing date of January 9,  
9 2015. The Opposition is due November 26, 2014. The Motion is supported by the  
10 Declaration of non-party David Odell a resident of the State of Missouri and President of  
11 non-party Summit Computer Solutions, Inc.. Mr. Odell purports to authenticate the  
12 copies of the arbitration agreements attached to the Motion to Compel. Plaintiffs  
13 requested whether Defendants would object to Plaintiffs taking the deposition of Mr.  
14 Odell in conjunction with the Defendants' pending motion to compel arbitration and  
15 Defendants stated that they would object to the deposition.  
16

17 The Parties submitted a Joint Discovery Letter Brief to Magistrate Judge Beeler  
18 on November 24, 2014. (Doc. 137.) However, Plaintiffs will not have time to draft their  
19 Opposition by November 26<sup>th</sup>, especially if a deposition must be conducted in Missouri.  
20 Therefore, the Parties have stipulated to continue the Opposition and Reply deadlines  
21 on the Motion to Compel as follows:  
22

- 23 1) If Judge Beeler denies the discovery request, the Opposition will be due  
24 December 8<sup>th</sup> and the Reply one week later.
- 25 2) If Judge Beeler grants the discovery request, or does not rule by December 8<sup>th</sup>,  
26 the Opposition will be due December 15<sup>th</sup> and the Reply one week later.  
27  
28

1 3) The Parties reserve the right to request further changes in the briefing schedule if  
2 the deposition cannot be conducted in time.

3 4) The scheduled hearing date of January 9, 2015 can remain if that is acceptable to  
4 the Court.

5 Dated: November 25, 2014 WALLACE, SAUNDERS, AUSTIN, BROWN & ENOCHS

6  
7  
8 By

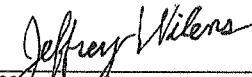
  
Paul M. Croker

9 Attorneys For Defendants Rare Moon  
10 Media, LLC, Jeremy Shaffer, Brad  
11 Levene, Lindsey Coker, and Josh  
12 Mitchem

13 Dated: November 25, 2014

LAKESHORE LAW CENTER

14  
15 By

  
Jeffrey Wilens

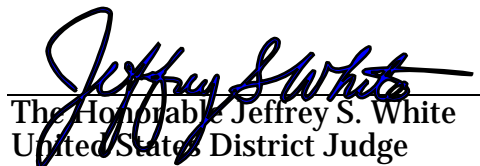
16 Attorneys For Plaintiffs  
17 Dinah Pham, Paula Bernal and  
18 Mary F. Bailey

19 **~~PROPOSED~~ ORDER**

20 Plaintiffs' deadline for filing a response to Rare Moon Defendants' Motion to  
21 Compel Arbitration is hereby continued to December 8, 2014 if Magistrate Judge Beeler  
22 denies the pending request to depose Mr. Odell and is continued to December 15, 2014  
23 is Magistrate Judge Beeler has not ruled by December 8<sup>th</sup> or if the request to depose is  
24 granted. Defendants' Reply shall be due 7 days after the Opposition is filed. The  
25 hearing date of January 9, 2015 shall remain.

26 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
27  
28

1 Dated: December 1, 2014

  
The Honorable Jeffrey S. White  
United States District Judge